

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

ENTROPIC COMMUNICATIONS, LLC,) (

PLAINTIFF,) (CIVIL ACTION NO.

) (2:22-CV-125-JRG

VS.) (MARSHALL, TEXAS

) (

CHARTER COMMUNICATIONS, INC.,) (JUNE 13, 2023

DEFENDANT.) (9:02 A.M.

CLAIM CONSTRUCTION HEARING
BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE

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(Proceedings recorded by mechanical stenography, transcript produced on a CAT system.)

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10:39:26 1 MR. ENGEL: Yeah.

10:39:27 2 THE COURT: -- "data processor," "channelizer"?

10:39:31 3 MR. ENGEL: That is correct. And the -- we're on
10:39:37 4 Slide 33 of our presentation.

10:39:40 5 If I could have the next slide, please. I'm
10:39:43 6 sorry. Slide 34, please.

10:39:46 7 So I think this gets down to the heart of the
10:39:52 8 dispute because we're not entirely sure what is being
10:39:56 9 proposed by Charter. Their construction is three separate
10:40:01 10 pieces of hardware configured to perform the functions the
10:40:04 11 claim ascribes to the signal monitor, data processor, and
10:40:10 12 channelizer, respectively.

10:40:11 13 Now, they've cited case law that talks about
10:40:13 14 distinctness, and I think distinctness is, you know, a
10:40:16 15 degree of something that could be put to the jury to decide
10:40:19 16 or put to the -- you know, the factfinder to decide.

10:40:23 17 But when you're saying that it's three separate
10:40:25 18 pieces of hardware, Charter seems to be implying that you
10:40:29 19 could not have some type of, you know, single integrated
10:40:33 20 circuit or single silicon die that has those three, you
10:40:39 21 know, functional blocks or components. They can still be
10:40:43 22 distinct if they're on the same integrated circuit.

10:40:46 23 And that's what we pointed to at the '008 patent,
10:40:48 24 Column 4, Lines 51 to 62. It says: The various modules of
10:40:52 25 the subassembly 174 -- which includes the channelizer, the

10:40:56 1 signal monitor, and the data processor -- may reside in one
10:41:00 2 or more housings on one or more printed circuit boards
10:41:03 3 and/or one or more integrated circuits, e.g., one or more
10:41:08 4 silicon dice.

10:41:09 5 So if you have one integrated circuit that
10:41:12 6 includes those three components, that clearly should meet
10:41:15 7 the claim as set forth in the specification, but this
10:41:17 8 requirement that they be separate hardware units, I think,
10:41:20 9 is reading something into the claim language and is going
10:41:23 10 to be a little bit confusing down the road to say what's
10:41:27 11 separate hardware.

10:41:27 12 Again, I believe the case law they cited is
10:41:30 13 distinct, and I think we agree that there's argument as to
10:41:34 14 what's going to be distinct when we identify things for
10:41:37 15 infringement down the road. But requiring that it be three
10:41:39 16 separate pieces of hardware, I think, is reading
10:41:42 17 limitations into the claim.

10:41:43 18 THE COURT: All right. Let me hear from the
10:41:47 19 Defendant, please. What's Charter's position on this,
10:42:04 20 Counsel?

10:42:05 21 MR. BENYACAR: Charter's position on this, Your
10:42:06 22 Honor, is that they have to be three separate pieces of
10:42:09 23 hardware, three distinct structural elements, however you
10:42:13 24 want to say it.

10:42:14 25 The reason for that is they're called out

10:42:18 1 separately in the claim. As I show on Slide 52, it's a
10:42:25 2 signal monitor, a data processor, and a channelizer.
10:42:28 3 And the law is clear, and this is the law that
10:42:30 4 counsel was pointing to, if you list elements separately,
10:42:35 5 they're presumed to be distinct components, distinct
10:42:40 6 structural elements.

10:42:41 7 And by the way, as the Federal Circuit said in the
10:42:49 8 Kyocera case, even if you disclose different embodiments,
10:42:53 9 one where they're combined and one where they're separate,
10:42:58 10 you're free to claim the one where they're separate.

10:43:00 11 Here, there is no embodiment disclosed where
10:43:04 12 they're combined. But there is a presumption, if you call
10:43:08 13 them out separately, that they're distinct structural
10:43:11 14 elements. That is our position. Our position is not just
10:43:14 15 relying on the presumption that they're distinct structural
10:43:17 16 elements, but there is no way to understand the
10:43:20 17 specification or the claims unless they're distinct
10:43:24 18 structural elements.

10:43:25 19 THE COURT: How do you get away from the problem
10:43:28 20 you can say on the one hand, there's three separate
10:43:31 21 components, on the other hand, there's one component with
10:43:36 22 three different subparts? I mean, how do you -- how do you
10:43:40 23 not just go down the pyramid far enough to where you have
10:43:45 24 all these functions within one component, even though
10:43:49 25 you're calling them separate things?

10:43:51 1 MR. BENYACAR: So we're not saying that you can't
10:43:53 2 have discreet structural elements on some bigger device.
10:43:58 3 We're not -- we're not saying that.

10:43:59 4 But it can't just all be, well, it's one
10:44:03 5 processor, and it's just performing different functions,
10:44:05 6 for example. If you have distinct pieces of hardware all
10:44:09 7 on the same chip that sends information to each other,
10:44:12 8 we're not saying that that's not covered. But they have to
10:44:14 9 be distinct hardware, distinct structural elements.

10:44:17 10 If they're on some bigger thing, that's okay.
10:44:20 11 That's not our argument. But the only way the
10:44:23 12 specification and claims make sense is if they're different
10:44:27 13 hardware and if they're different --

10:44:29 14 THE COURT: So are we back to talking about
10:44:32 15 physical separation versus functional separation?

10:44:36 16 MR. BENYACAR: So functional separation, yes. In
10:44:38 17 this particular case, it has to be physical separation.
10:44:41 18 One, because the claim -- the case law we just looked at
10:44:43 19 says distinct structural components; and, number two, is,
10:44:49 20 as I'm about to talk about, there's no way to understand
10:44:51 21 the specification or the claims unless they're distinct
10:44:53 22 structural claims.

10:44:57 23 The claims show -- I mean, I'm sorry, the figure
10:44:59 24 shows the channelizer, the monitor, and the data processor
10:45:04 25 in Figure 1B. Now, you can look at Figure 1B and say,

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct transcript from the stenographic notes of the proceedings in the above-entitled matter to the best of my ability.

/S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
CERTIFIED SHORTHAND REPORTER
State of Texas No.: 7804
Expiration Date: 10/31/2023

6/27/2023
Date